

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

#### Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** The document contains a correction to the final regulation which was published Friday, March 28, 1997 (62 FR 14781-14786). The regulation pertains to the insurance of fresh market sweet corn.

**EFFECTIVE DATE:** May 13, 1997.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured, include the current fresh market sweet corn endorsement under the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current fresh market sweet corn endorsement to the 1997 and prior crop years.

##### Need for Correction

As published, the final regulation contained an error which may prove to be misleading and is in need of clarification.

#### Correction of Publication

Accordingly, the publication on March 28, 1997, of the final regulation at 62 FR 14781-14786 is corrected as follows:

#### PART 457—[CORRECTED]

##### § 457.129 [Corrected]

On page 14785, in the third column, in § 457.129, section 14(b)(2) is corrected to read:

(2) Multiplying each result in section 14(b)(1) by the percentage for the applicable stage (see section 3(d));

Signed in Washington DC, on May 7, 1997.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 97-12451 Filed 5-12-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1230

[No. LS-97-001]

#### Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Pork Promotion, Research, and Consumer Information Act (Act) of 1985 and the Pork Promotion, Research, and Consumer Information Order (Order) issued thereunder, this final rule increases by eight-hundredths of a cent per pound the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 1996 five-market average price for domestic barrows and gilts. This action brings the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

**EFFECTIVE DATE:** June 12, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

**SUPPLEMENTARY INFORMATION:** This final rule has been determined not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which such person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 United States Code (U.S.C.) 601 *et seq.*), the Agricultural Marketing Service (AMS) has considered the economic impact of this final action on small entities. The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many of the estimated 200 importers may be classified as small entities under the Small Business Administration definition (13 CFR 121.601). This final rule increases the amount of assessments on imported pork and pork products subject to assessment by eight-hundredths of a